

THE LAW OFFICE OF

ELISA HYMAN, P.C.

November 27, 2023

VIA ECF

Honorable Jesse M. Furman
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *Bd. of Educ. of the City School District of the City of N.Y. v. A.G., et ano.*
Case No. 23 CV 9745 (JMF)

Dear Judge Furman:

I have recently been retained to represent the Defendant parent, C.G., in the above-referenced action and have entered my notice of appearance this afternoon. I am writing jointly with Plaintiff to request an extension of time to file the joint letter due November 29, 2023. ECF No. 5. This is Plaintiff's second request for an extension of the joint letter, but Defendant's first request for an extension.

While attorney's fees will be an issue in this case, it is not primarily about fees. Here, Plaintiffs seek to overturn favorable hearing and SRO decisions on behalf of C.G. and A.G. which, *inter alia*, awarded compensatory education to A.G.

The parent in this case, C.G., was previously represented by The Law Offices of Nancy Rothenberg ("LONR") in the administrative proceedings at issue which were held under the IDEA. However, when this action was filed, Ms. Rothenberg's firm did not have an active attorney-client relationship with C.G. since she had obtained a prior decision for the family in spring of 2023. Since that time, A.G., a high school student with a learning disability, has been receiving special education under an individualized education program ("IEP") from the New York City Department of Education ("DOE") in a New York State approved private school that did not require a hearing to fund. Further, although Ms. Rothenberg is an experienced trial attorney and former prosecutor the LONR has not historically handled federal litigation in IDEA cases. Thus, she recently referred the matter to my firm.

While I have reviewed the file sufficiently to agree to represent the Defendant, C.G., there is a voluminous file from the IDEA impartial hearing, a file from the New York State Review Office ("SRO"), as well as a file for the related administrative proceeding which I have not yet had the opportunity to review in detail, particularly given the Thanksgiving holiday. Preliminarily, however, subject to my review of the file, Defendant anticipates filing counterclaims. Moreover, Ms. Rothenberg's firm and my firm are negotiating a co-counsel agreement to increase efficiency given her familiarity with the underlying cases.

In addition, I have returned the waiver of service for C.G., which extends Defendant's time to answer to sixty days from November 20, 2023, the date on which the complaint was served.

Given that the parties will not be able to have a meaningful discussion about the items in the Court's order directing a joint letter until the counterclaims are interposed and I have had time to review the entire file and have further discussions with C.G., the parties propose an extension of time for the joint letter until February 9, 2023, which is three weeks after the date on which Defendant has to file his answer and interpose any counterclaims.

If, however, the Court does not agree to the above extension, the parties request at least a one-week extension, until December 6, 2023, given that I just entered my appearance this afternoon.

There are no other pending deadlines in this case that was filed.

Thank you for Your Honor's consideration of these requests.

Respectfully Submitted,

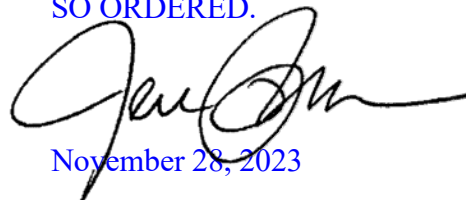
/s/ Elisa Hyman

Elisa Hyman, Esq.
Counsel for Defendant

cc: Stephen Kitinger, Esq., *Counsel for Plaintiff*

Application GRANTED. The parties shall submit their joint letter, addressing the topics specified in ECF No. 3, by **February 9, 2024**. The Clerk is directed to terminate ECF No. 11.

SO ORDERED.



November 28, 2023